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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/45/838)]

45/166. Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ and the relevant provisions of the International Covenant on Civil and Political Rights 2/ and the Optional Protocols thereto, 3/ in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 4/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 5/

Calling attention to the numerous international standards in the field of the administration of justice, such as the Body of Principles for the Protection of All

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ See resolution 2200 A (XXI), annex and resolution 44/128, annex.

4/ Resolution 39/46, annex.

5/ Resolution 2106 A (XX), annex.

READEX FICHE

Persons under Any Form of Detention or Imprisonment, 6/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 7/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 8/ as well as the Basic Principles on the Independence of the Judiciary, 9/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 10/ the Code of Conduct for Law Enforcement Officials 11/ and the Standard Minimum Rules for the Treatment of Prisoners, 12/

Reaffirming in this context the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1990/81 of 7 March 1990 on human rights in the administration of justice, 1990/33 of 2 March 1990 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1990/35 of 2 March 1990 on compensation for victims of gross violations of human rights, 1990/37 of 6 March 1990 on the use of force by law enforcement officials and 1990/51 of 6 March 1990 on summary or arbitrary executions, 13/

Welcoming resolution 1990/33 of 31 August 1990 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 14/ by which the Sub-Commission adopted a draft declaration on the protection of all persons from enforced or involuntary disappearances, and inviting the Commission on Human Rights

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6/ Resolution 43/173, annex.

7/ Resolution 40/34, annex.

8/ Economic and Social Council resolution 1984/50, annex.

9/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

10/ Ibid., sect. D.1.

11/ Resolution 34/169, annex.

12/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

13/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

14/ See E/CN.4/1991/2-E/CN.4/Sub.2/1990/59, chap. II, sect. A.

to consider the draft declaration as a matter of high priority at its forty-seventh session,

Also welcoming the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1990/23, 14/ to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers, and encouraging the Sub-Commission, in giving further consideration to the question of the independence and impartiality of the judiciary and the independence of lawyers, to take into account the basic principles adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 15/

Welcoming further the progress achieved by the Sub-Commission on the subject of compensation for victims of gross violations of human rights,

Recognizing the significant work accomplished in this area under the United Nations crime prevention and criminal justice programme, especially by the Eighth Congress, in particular with respect to the formulation and application of United Nations standards and norms in the administration of justice under item 7 of its agenda,

Underlining the need for further co-ordinated and concerted action in promoting respect for human rights in the administration of justice,

Recalling its resolution 44/162 of 15 December 1989,

1. Reaffirms the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice;

2. Once again calls upon all States to pay due attention to those norms and standards in developing national or regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of these norms and standards;

3. Takes note with appreciation of the recommendations made by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders with a view to ensuring more effective application of existing standards, in particular the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the safeguards guaranteeing protection of the rights of those facing the death penalty, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 16/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Basic Principles on the Independence of the Judiciary;

15/ See A/CONF.144/28.

16/ Resolution 40/33, annex.

4. Welcomes the Basic Principles on the Role of Lawyers, 17/ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 17/ the Guidelines on the Role of Prosecutors, 17/ the Basic Principles for the Treatment of Prisoners, 18/ the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), 19/ and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 20/ unanimously adopted by the Eighth Congress, and invites Governments to respect them and to take them into account within the framework of their national legislation and practice;

5. Welcomes also the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released 21/ and the recommendations on the treatment of foreign prisoners 22/ adopted unanimously by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invites Member States to take them into account, as well as the Model Agreement on the Transfer of Foreign Prisoners, 22/ in establishing treaty relations with other Member States or in revising existing treaty relations;

6. Endorses Economic and Social Council resolution 1990/21 of 24 May 1990 on the implementation of United Nations standards and norms in crime prevention and criminal justice;

7. Requests the Commission on Human Rights, bearing in mind the work of the Committee on Crime Prevention and Control, to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) To study the implementation of United Nations norms and standards in this field;

(b) To identify problems that may impinge on the effective implementation of those standards and norms;

(c) To recommend viable solutions with action-oriented proposals to the Commission;

17/ A/CONF.144/28, chap. I.

18/ See resolution 45/111.

19/ Resolution 45/110, annex.

20/ Resolution 45/113, annex.

21/ Resolution 45/119, annex.

22/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1.

8. Requests the Secretary-General:

(a) To provide the necessary compilatory and analytical documentation to the Sub-Commission for those tasks;

(b) To prepare, on the basis of comments by Member States and relevant international organizations and bodies, as well as by non-governmental organizations, a draft model text for national legislation in the field of human rights in the administration of justice;

(c) To co-ordinate the activities of the Commission on Human Rights and the Sub-Commission, mentioned in paragraph 7 above, with the relevant activities of the Committee on Crime Prevention and Control;

(d) To invite those Member States and international organizations and bodies which have not yet done so to comment on the aspects of human rights issues in the field of administration of justice they deem relevant to the work of the Sub-Commission;

9. Requests the Commission on Human Rights to invite the Sub-Commission to consider the draft model text requested in paragraph 8 (b) above, with a view to the further elaboration of model texts and to propose such texts to the Commission for adoption;

10. Requests the Secretary-General:

(a) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services;

(b) To continue to provide all necessary support to United Nations bodies working on standard-setting in this field;

(c) To continue to co-ordinate the various technical advisory services provided by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat with a view to undertaking joint programmes and strengthening existing mechanisms for the protection of human rights in the administration of justice;

11. Emphasizes the important role of the regional commissions, specialized agencies and the United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

12. Decides to consider at its forty-sixth session the question of human rights in the administration of justice on the basis of a report of the Secretary-General on the implementation of the present resolution.

69th plenary meeting
18 December 1990